

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

COURTNEY BERNARD CLARK,

Plaintiff,

v.

MEMORANDUM OF LAW & ORDER

Civil File No. 13-2849 (MJD/HB)

COMMISSIONER TOM ROY, et al.,

Defendants.

Courtney Bernard Clark, pro se.

Margaret E. Jacot and Kelly S. Kemp, Minnesota Attorney General's Office,
Counsel for Defendants Commissioner Tom Roy and Officer Nate Drevlow.

Andrea Pavelka Hoversten, Geraghty, O'Loughlin & Kenney, PA, Counsel for
Defendants Dr. Lisa Staber and Dr. Steven Klapmeier.

James S. McAlpine and Steven R. Schwegman, Quinlivan & Hughes, PA,
Counsel for Defendant Dr. James Wischer.

I. INTRODUCTION

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated April 2, 2015. [Docket No. 95] On April 20, 2015, Plaintiff Courtney Bernard Clark filed an objection to the Report and Recommendation. [Docket No. 96]

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts in part the Report and Recommendation of United States Magistrate Judge Bowbeer.

The Court acknowledges Plaintiff's very serious allegation that various Minnesota Department of Corrections employees have refused to administer medical treatment to golf ball-sized nodules blocking his throat. By adopting the Magistrate Judge's Report and Recommendation, the Court does not express any view on the merits of Plaintiff's allegations regarding his treatment. Rather, the Court holds that Plaintiff's complaint in this case cannot serve as a basis for injunctive relief. Devose v. Herrington, 42 F.3d 470, 471 (8th Cir. 1994) ("[A] party moving for a preliminary injunction must necessarily establish a relationship between the injury claimed in the party's motion and the conduct asserted in the complaint.")

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Hildy Bowbeer dated April 2, 2015 [Docket No. 95].

2. Plaintiff's Order to Show Cause for an Preliminary Injunction [Docket No. 83] is **DENIED**.

Dated: June 24, 2015

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court